

**Notice of Allowability**

Application No.

10/031,542

Examiner

Phillip A. Johnston

Applicant(s)

GEBHARDT ET AL.

Art Unit

2881

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to appeal brief filed 10-25-2006.
2. ☒ The allowed claim(s) is/are 22,23 and 25-52.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some\* c) ☐ None of the:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),  
Paper No./Mail Date 3-29-2007.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

***Detailed Action***

1. This action is in response to the appeal brief filed 10-25-2006, wherein claims 22-52 are pending.

***Examiners Amendment***

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Matthew McWilliams on 3-28-2007. The changes made below are underlined.

The Claims are amended as follows;

-- 22. (Previously presented) A method for cluster fragmentation comprising the steps: producing a neutral cluster comprising a carrier substance comprised of polar molecules, said cluster comprising at least 10 of said polar molecules, loading said neutral cluster with at least one reaction partner, said step of loading said cluster comprises the step of applying neutral molecules as an absorbate coating to a solid body surface, said reaction partner being chemically different from the carrier substance, said at least one reaction partner forming at least one pair of electrically differently charged charge carriers with the carrier substance in the cluster, either spontaneously or excited from the outside, and fragmenting the cluster into a plurality of cluster fragments, such that at least one positively charged and at least one negatively charged cluster fragment is formed during the fragmentation, and the at

least one reaction partner is part of at least one cluster fragment after the fragmentation, and the cluster fragments are spatially separated. --

Cancel claim 24

***Allowable Subject Matter***

3. Claims 22,23, and 25-52 are allowed

***Examiner's statement of reasons for allowance***

The following is an examiner's statement of reasons for allowance:

4. Claim 22 is allowed because prior art fails to show a method for cluster fragmentation including the steps: producing a neutral cluster comprising a carrier substance comprised of polar molecules, the cluster comprising at least 10 polar molecules, loading the neutral cluster with at least one reaction partner, where the step of loading the cluster comprises the step of applying neutral molecules as an absorbate coating to a solid body surface, and where the reaction partner is chemically different from the carrier substance, the at least one reaction partner forming at least one pair of electrically differently charged charge carriers with the carrier substance in the cluster, either spontaneously or excited from the outside, and fragmenting the cluster into a plurality of cluster fragments, such that at least one positively charged and at least one negatively charged cluster fragment is formed during the

fragmentation, and the at least one reaction partner is part of at least one cluster fragment after the fragmentation, and the cluster fragments are spatially separated.

5. Claims 23, and 25-52 are allowed by virtue of their dependency upon allowed claim 1.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

6. Any inquiry concerning this communication or earlier communications should be directed to Phillip Johnston whose telephone number is (571) 272-2475. The examiner can normally be reached on Monday-Friday from 7:30 am to 4:00 pm. If attempts to reach the examiner by telephone are unsuccessful, the examiners supervisor Robert Kim can be reached at (571) 272-2293. The fax phone number for the organization where the application or proceeding is assigned is 571 273 8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

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you have questions on access to the Private PAIR system, contact the Electronic  
Business Center (EBC) at 866-217-9197 (toll-free).

PJ  
March 29, 2007

*Nikita Wells*  
**NIKITA WELLS**  
**PRIMARY EXAMINER**  
*04/02/07*